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2031-CC01039 - JACQUELINE SMITH V WAL-MART STORES EAST LP (E-CASE)

Case Header	Parties & Attorneys	Docket Entries	Charges, Judgments & Sentences	Service Information	Filings Due	Scheduled Hearings & Trials	Civil Judgments	Garnishments/Execution
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09/21/2020 ☐ **Corporation Served**

Document ID - 20-SMCC-1945; Served To - WAL-MART STORES EAST LP; Server - SO ST LOUIS COUNTY-CLAYTON; Served Date - 18-SEP-20; Served Time - 09:00:00; Service Type - Sheriff Department; Reason Description - Served; Service Text - by leaving a copy with A.Brandon Intake Specialist

☐ **Notice of Service**

09/01/2020 ☐ **Summons Issued-Circuit**

Document ID: 20-SMCC-1945, for WAL-MART STORES EAST LP. Summons saved and attached in PDF format for Attorney to retrieve from secure case.net./cr

08/27/2020 ☐ **Filing Info Sheet eFiling**

Filed By: TIMOTHY ALAN RICKER

☐ **Pet Filed in Circuit Ct**

Plts Petition; Exhibit A./cr

On Behalf Of: JACQUELINE SMITH

☐ **Judge Assigned**

Case.net Version 5.14.0.18

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Released 09/01/2020

IN THE CIRCUIT COURT OF GREENE COUNTY, MISSOURI

JACQUELINE SMITH,

Plaintiff,

v.

Case No: _____

WAL-MART STORES EAST, LP d/b/a

WAL-MART SUPERCENTER #1009,

Serve registered agent:

CT Corporation System

120 S. Central Ave.

Clayton, Missouri 63105

Defendant.

PETITION FOR DAMAGES

COMES NOW Plaintiff, Jacqueline Smith, by and through her attorneys of record, Hall Ansley, P.C. and for her cause of action against Wal-Mart Stores Supercenter Republic #1009, states, alleges and avers to the Court as follows:

PLAINTIFF

1. Plaintiff Jacqueline Smith (hereinafter "Plaintiff") is a resident of Greene County, Missouri.
2. Plaintiff is a female.

DEFENDANT

3. Defendant Wal-Mart Stores Supercenter Republic #1009 (hereinafter "Wal-Mart" or "Defendant") is an out-of-state corporation that operates a facility in Republic, Missouri. Wal-Mart may be served by serving its registered agent at the address listed in the caption.

VENUE AND JURISDICTION

4. The events described herein occurred in Republic, Greene County, Missouri. Accordingly, Plaintiff's damages were first sustained in Greene County, Missouri.

5. Plaintiff seeks damages in excess of \$25,000.00.

6. Plaintiff filed a timely Charge of Discrimination with the Missouri Commission on Human Rights.

7. The Missouri Commission on Human Rights issued a Right to Sue Letter permitting Plaintiff to file a claim in circuit court. A true and correct copy of the Right to Sue Letter is attached hereto and labeled as Exhibit "A."

8. It has been less than ninety (90) days since the Right to Sue Letter was first issued.

9. Pursuant to Section 506.500 RSMo. and Section 508.010(6) RSMo., this Court has jurisdiction and venue in this cause.

FACTS OF THE OCCURRENCE

10. Plaintiff restates, realleges, and incorporates herein all preceding paragraphs of this Petition as though they were fully restated *in haec verba*.

11. Plaintiff began working for Defendant in or around June of 2017.

12. Plaintiff worked in the online grocery pick-up department with a male co-worker named Will. Will would get stressed and yell and clap in Plaintiff's face and would use the "F" word towards her.

13. Plaintiff reported Will's behavior to the store manager, Mark Reynolds, and the assistant manager, Bree Crawford. Both managers indicated that they would speak to Will; nevertheless, the behavior continued after the complaints.

14. On or about September 8, 2019, Plaintiff asked another associate if a particular product went in a particular area and asked if it "was the right hole." Will overheard Plaintiff's comment and responded by asking if Plaintiff if that was what she told her boyfriend. Plaintiff reported the behavior to Mark and Bree the same day.

15. On or about September 10, 2019, Will sent a message to Plaintiff and her friends. In the message Will called Plaintiff a cunt and said she should "sit on a cactus." Plaintiff showed the message to members of management.

16. Plaintiff never heard anything back from her report and Will was starring and intimidating Plaintiff at work. Plaintiff moved forward and made a report to the Walmart home office on or about September 13, 2019. Plaintiff was making a report pursuant to the company's sexual harassment policy.

17. Plaintiff was removed from her home department because she allegedly didn't work well with Will. Plaintiff was told that she was causing too many problems and it was taking too much time out of management's days to resolve the issues occurring in the department.

18. When Plaintiff was moved out of her home department her hours were cut and she did not receive day shift hours.

COUNT I

VIOLATIONS OF MISSOURI HUMAN RIGHTS ACT (§ 213.055)

COMES NOW Plaintiff, Jacqueline Smith, by and through her attorneys of record, Hall Ansley, P.C., and for Count I of her cause of action against Defendant states, alleges and avers to the Court as follows:

19. Plaintiff restates, realleges, and incorporates herein all preceding paragraphs of this Petition as though they were fully restated *in haec verba*.

20. As a female, Plaintiff is a protected individual pursuant to the Missouri Human Rights Act.

21. Plaintiff was subjected to a discriminatory and harassing work environment due to her gender.

22. A causal nexus exists between the behavior Plaintiff encountered and Plaintiff's membership in the protected group.

23. The acts mentioned above were in violation of RSMo. § 213.055.

24. As a direct and proximate result of the violations described herein, Plaintiff has suffered the following:

- (a) Lost income, including but not limited to back pay, front pay and lost benefits;
- (b) Lost career opportunities, including but not limited to opportunities for advancement, status, pay and benefits; and
- (c) Mental and emotional anguish defined as "garden variety" by Missouri law.

25. Pursuant to the MHRA, RSMo. § 213.111, Plaintiff is entitled to and hereby requests an award of attorney's fees, prejudgment and post judgment interest at the highest lawful rate on any award or verdict provided.

26. The actions of Defendant were willful, wanton, and in complete indifference to Plaintiff's rights. These actions are sufficient to justify the award of punitive damages to deter said Defendant, and others similarly situated, from like conduct in the future.

WHEREFORE, Plaintiff prays for an award of damages against Defendant in an amount determined to be fair and reasonable; for an award of attorney's fees; for an award of post-judgment interest at the highest lawful rate on any judgment rendered; for punitive damages sufficient to deter this Defendant, and those similarly situated, from like actions in the future; and for such other and further relief as the Court deems just and proper under the circumstances.

COUNT II

RETALIATION/VIOLATIONS OF § 213.070, RSMO.

COMES NOW Plaintiff, Jacqueline Smith, by and through her attorneys of record, Hall Ansley, P.C., and for Count II of her cause of action against Defendant, states, alleges and avers to the Court as follows:

27. Plaintiff restates, realleges and reavers herein all preceding paragraph of this Petition as though they were fully stated herein *in haec verba*.

28. Plaintiff was retaliated against because of her protected reports and her opposition to discrimination and harassment as described above.

29. The acts of Defendant in moving Plaintiff's department, cutting her hours, and changing her schedule violate § 213.070.

30. As a direct and proximate result of the retaliation, Plaintiff has suffered the following:

- (a) Lost income, including but not limited to back pay, front pay and lost benefits;
- (b) Lost career opportunities, including but not limited to opportunities for advancement, status, pay and benefits; and

(c) Mental and emotional anguish defined as “garden variety” by Missouri law.

31. Pursuant to the MHRA, RSMo. § 213.111, Plaintiff is entitled to and hereby requests an award of attorney’s fees and post judgment interest at the highest lawful rate on any award or verdict provided.

32. The actions of Defendant were willful, wanton, and in complete indifference to Plaintiff’s rights. These actions are sufficient to justify the award of punitive damages to deter said Defendant, and others similarly situated, from like conduct in the future.

WHEREFORE, Plaintiff prays for an award of damages against Defendant in an amount determined to be fair and reasonable; for an award of attorney’s fees; for post-judgment interest at the highest lawful rate on any judgment rendered; for punitive damages sufficient to deter said Defendant, and others similarly situated, from like actions in the future; and for such other and further relief as the Court deems just and proper.

HALL ANSLEY,
A Professional Corporation

By: /s/ Timothy A. Ricker
TIMOTHY A. RICKER
Missouri Bar Number 62050
BENJAMIN A. STRINGER
Missouri Bar Number 50415

3275 East Ridgeview
Springfield, Missouri 65804
Telephone: 417/890-8700
Facsimile: 417/890-8855
Email: tricker@hallansley.com
Email: bstringer@hallansley.com

Attorneys for Plaintiff



IN THE 31ST JUDICIAL CIRCUIT, GREENE COUNTY, MISSOURI

Judge or Division: JASON R BROWN	Case Number: 2031-CC01039
Plaintiff/Petitioner: JACQUELINE SMITH	Plaintiff's/Petitioner's Attorney/Address TIMOTHY ALAN RICKER 3275 E. Ridgeview St. SPRINGFIELD, MO 65804
Defendant/Respondent: WAL-MART STORES EAST LP DBA: WAL-MART SUPERCENTER #1009	Court Address: JUDICIAL COURTS FACILITY 1010 N BOONVILLE AVE SPRINGFIELD, MO 65802
Nature of Suit: CC Employmnt Discrmntn 213.111	

(Date File Stamp)

Summons in Civil Case

The State of Missouri to: **WAL-MART STORES EAST LP**
Alias:
DBA: **WAL-MART SUPERCENTER #1009**

RA: CT CORPORATION SYSTEM
120 S CENTRAL AVE
CLAYTON, MO 63105

COURT SEAL OF



GREENE COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

09/01/2020
Date

/S/ THOMAS R. BARR BY CR
Clerk

Further Information:

Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within 30 days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the defendant/respondent.
☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent with _____, a person of the defendant's/respondent's family over the age of 15 years who permanently resides with the defendant/respondent.
☐ (for service on a corporation) delivering a copy of the summons and a copy of the complaint to: _____ (name) _____ (title).
☐ other: _____

Served at _____ (address)
in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on _____ (date).

(Seal)

My commission expires: _____

Date

Notary Public

Sheriff's Fees, if applicable

Summons \$ _____
Non Est \$ _____
Sheriff's Deputy Salary
Supplemental Surcharge \$ 10.00
Mileage \$ _____ (_____ miles @ \$._____ per mile)
Total \$ _____

A copy of the summons and a copy of the petition must be served on **each** defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.



IN THE 31ST JUDICIAL CIRCUIT, GREENE COUNTY, MISSOURI

RETURN
SB 10/11

Judge or Division: JASON R BROWN	Case Number: 2031-CC01039
Plaintiff/Petitioner: JACQUELINE SMITH	Plaintiff's/Petitioner's Attorney/Address TIMOTHY ALAN RICKER 3275 E. Ridgeway St. SPRINGFIELD, MO 65804
Defendant/Respondent: WAL-MART STORES EAST LP DBA: WAL-MART SUPERCENTER #1009	Court Address: JUDICIAL COURTS FACILITY 1010 N BOONVILLE AVE SPRINGFIELD, MO 65802
Nature of Suit: CC Employment Discrimination 213.111	(Date File Stamp)

Summons in Civil Case

The State of Missouri to: WAL-MART STORES EAST LP
Alias:
DBA: WAL-MART SUPERCENTER #1009

RA: CT CORPORATION SYSTEM
120 S CENTRAL AVE
CLAYTON, MO 63105

COURT SEAL OF



GREENE COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

09/01/2020
Date

/S/ THOMAS R. BARR BY CR
Clerk

Further Information:

Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within 30 days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the defendant/respondent.
☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent with

a person of the defendant's/respondent's family over the age of 15 years who permanently resides with the defendant/respondent.

- ☒ (for service on a corporation) delivering a copy of the summons and a copy of the complaint to:

LCW - A. BRANDON

(name)

INTAKE SPECIALIST

(title)

☐ other: _____

Served at CT CORPORATION

in St. Louis County (County/City of St. Louis), MO, on _____

(date)

Tiffany Mooney
Printed Name of Sheriff or Server

[Signature]
Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on _____ (date).

(Seal)

My commission expires: _____

Date

Notary Public

Sheriff's Fees, if applicable

Summons \$ _____
Non Est \$ _____
Sheriff's Deputy Salary \$ 10.00
Supplemental Surcharge \$ 10.00
Mileage \$ _____ (_____ miles @ \$ _____ per mile)
Total \$ _____

A copy of the summons and a copy of the petition must be served on each defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.



IN THE 31ST JUDICIAL CIRCUIT, GREENE COUNTY, MISSOURI

RETURN
SB 10/1

Judge or Division: JASON R BROWN	Case Number: 2031-CC01039
Plaintiff/Petitioner: JACQUELINE SMITH	Plaintiff's/Petitioner's Attorney/Address TIMOTHY ALAN RICKER 3275 E. Ridgeview St. SPRINGFIELD, MO 65804
Defendant/Respondent: WAL-MART STORES EAST LP DBA: WAL-MART SUPERCENTER #1009	Court Address: JUDICIAL COURTS FACILITY 1010 N BOONVILLE AVE SPRINGFIELD, MO 65802
Nature of Suit: CC Employmnt Discrmntn 213.111	(Date File Stamp)

Summons in Civil Case

The State of Missouri to: WAL-MART STORES EAST LP

Alias:

DBA: WAL-MART SUPERCENTER #1009

RA: CT CORPORATION SYSTEM
120 S CENTRAL AVE
CLAYTON, MO 63105

COURT SEAL OF



GREENE COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

09/01/2020
Date/S/ THOMAS R. BARR BY CR
Clerk

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☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent with

a person of the defendant's/respondent's family over the age of 15 years who permanently resides with the defendant/respondent.

- ☒ (for service on a corporation) delivering a copy of the summons and a copy of the complaint to:

LCW - A. BRANDON

(name)

INTAKE SPECIALIST

(title)

- ☐ other: _____

Served at

CT CORPORATION

in St. Louis County (County/City of St. Louis), MO, on

(date)

Tiffany Mooney

Printed Name of Sheriff or Server

SEP 18 2020

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on _____ (date).

(Seal)

My commission expires: _____

Date

Notary Public

Sheriff's Fees, if applicable

Summons \$ _____

Non Est \$ _____

Sheriff's Deputy Salary

Supplemental Surcharge \$ 10.00

Mileage \$ _____ (_____ miles @ \$ _____ per mile)

Total \$ _____

A copy of the summons and a copy of the petition must be served on each defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.